

July 16, 2015

FOR IMMEDIATE RELEASE

Summary of the July 9-10, 2015, Board Meeting

The following is a summary of the July 9-10, 2015, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 139 cases.

New Investigative Cases: The Board reviewed 49 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action against a licensee, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 1 Statement of Charges.

1. An Iowa-licensed physician who practices anatomic and clinical pathology in Marshalltown, Iowa, had formal disciplinary charges filed against him by the Board on July 10, 2015. The Board charged the physician for demonstrating professional incompetency and/or practice harmful or detrimental to the public in violation the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pathological services to at least nine patients in Marshalltown, Iowa. The Board alleged that the physician ordered unnecessary pathology stains which were not indicated and misdiagnosed cancerous conditions for multiple patients. A hearing is scheduled on September 10, 2015.

Combined Statement of Charges and Settlement Agreements: If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreements contain the Board's allegations and the disciplinary sanctions.

The Board approved 2 combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who formerly practiced family medicine in Harlan, Iowa, but has not practiced medicine under his Iowa medical license since December 31, 2008, entered into a combined Statement of Charges and Settlement Agreement with the Board on July 9, 2015. On March 27, 2015, the physician was convicted of assault with intent

to commit sexual abuse and indecent contact with a minor, both aggravated misdemeanors, in the Iowa District Court for Shelby County, following a written guilty plea. The criminal charges alleged that the physician engaged in inappropriate sexual contact with a 10-year-old female patient during a physical exam in Harlan, Iowa, on January 12, 1999. The physician was sentenced to prison for a term not to exceed two years for each count, the prison terms were suspended and he was placed on probation for a period of two years. The physician was also ordered to register as a sex offender and immediately surrender his Iowa medical license. He was also ordered to pay all court costs, fines and victim restitution. Under the terms of the July 9, 2015, combined Statement of Charges and Settlement Agreement, the Board charged the physician with being convicted of a crime related to the practice of medicine. The Board also alleged that he engaged in inappropriate sexual contact with six other female patients, most of whom were minors at the time of the alleged misconduct, between 1979 and 2000. The physician filed an Answer denying those allegations. The physician has surrendered his Iowa medical license and was issued a Citation and Warning and ordered to pay a \$10,000 civil penalty.

2. An Iowa-licensed physician who formerly practiced family medicine in Morrison, Illinois, and currently practices in Clinton, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board on July 9, 2015. On October 28, 2013, the physician entered into a Consent Order with the Illinois Department of Financial and Professional Regulation (Illinois Board). The Illinois Board alleged that the physician surrendered her DEA Registration for cause based on her prescribing of controlled substances to several patients in her practice in Morrison, Illinois. The Illinois Board placed the physician on indefinite probation for a minimum of one (1) year subject to Board monitoring, including a practice monitor, and ordered her to pay a \$5,000 fine. The Illinois Board also ordered her to complete 10 Category I continuing medical education credits for the proper prescribing of controlled substances and 10 credits for addiction disorders. Under the terms of the July 9, 2015, combined Statement of Charges and Settlement Agreement, the Iowa Board charged the physician for being disciplined by the Illinois Board in violation of the laws and rules governing the practice of medicine in Iowa. The Iowa Board issued the physician a Citation and Warning and ordered her to pay a \$1,000 civil penalty. The Iowa Board prohibited the physician from prescribing, administering or dispensing narcotics for the treatment of chronic pain under her Iowa medical license and ordered her to successfully complete a Board-approved professional ethics program. The Iowa Board also placed the physician on probation for a period of three (3) years subject to Board monitoring, including audits of her controlled substance prescribing.

Settlement Agreements: After the Board has determined that probable cause exists to take formal disciplinary action and formal disciplinary charges have been filed, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges rather than hold a formal disciplinary hearing.

The Board approved 1 Settlement Agreement.

1. An Iowa-licensed physician who formerly practiced psychiatry in Cedar Rapids, Iowa, entered into a Settlement Agreement with the Board on July 9, 2015. On July 19, 2012, the physician entered into an initial agreement with the Iowa Physician Health Program (IPHP) due to concerns that he suffered from a medical disability. On December 20, 2013, the Board filed charges against the physician due to concerns that he failed to fulfill the requirements established by the IPHP and he suffers from a medical disability which impairs his ability to practice medicine with reasonable skill and safety. Recently, the

physician contacted the Board and indicated that he has retired from the practice of medicine because he suffers from a medical disability which impairs his ability to practice medicine with reasonable skill and safety. Under the terms of the July 9, 2015, Settlement Agreement, The physician voluntarily surrendered his Iowa medical license.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action against a licensee the Board may send a confidential, non- disciplinary, letter to the licensee expressing concerns and requesting that the licensee take corrective action, including further education.

The Board voted to issue 15 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns about a physician's communication and disruptive behavior in the practice of medicine.
2. Concerns about a physician's evaluation, treatment and documentation for a patient who experienced a hypertensive emergency.
3. Concerns about a physician's communication and disruptive behavior in the practice of medicine.
4. Concerns about a physician's evaluation and treatment of an elderly patient who experienced delirium.
5. Concerns about a physician's medical records.
6. Concerns about a physician's communication with a patient who underwent cardiac catheterization.
7. Concerns about a physician's treatment of a patient who underwent cardioversion.
8. Concerns about a physician's communication and disruptive behavior in the practice of medicine.
9. Concerns about a physician's communication with nursing staff and a patient's family following surgery.
10. Concerns about a physician's evaluation, treatment and follow-up for a patient who was diagnosed with pneumonia.
11. Concerns about a physician's delayed follow-up for a patient who received improper medication instructions.
12. Concerns about a physician's recognition and treatment of a patient who experienced complications following surgery.
13. Concerns about a physician's delayed treatment of a patient who was subsequently diagnosed with metastatic cancer.
14. Concerns that a physician prescribed controlled substances to a colleague without performing appropriate evaluations and without maintaining medical records.
15. Concerns that an Iowa-licensed physician was disciplined by another state licensing Board for failing to complete necessary continuing medical education and for failing to respond to the other state licensing Board.

Monitoring Committee: The Monitoring Committee monitors licensees who are subject to a Board disciplinary order and require monitoring.

The Monitoring Committee reviewed 7 physicians who are being monitored by the Board and held 1 physician appearance.

Screening Committee: The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 46 cases.

Licensure Committee: The Licensure Committee reviews initial license applications, renewals and reinstatements and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Committee reviewed 11 licensure applications. Four permanent licenses were granted, four resident licenses were granted, and one acupuncture license was granted. Two applications were left open to obtain further information.

The Committee approved 17 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the applications. The Committee also reviewed one request to reconsider a Letter of Warning and voted to affirm the letter.

In other action the Board:

- Received a report from the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. The program had 64 participants and 24 applicants in the review process on June 30. There have been eighteen discharges since January 1.
- Received reports from the Iowa Attorney General's Office on five disciplinary cases and one rulemaking case that the Iowa Supreme Court determined as unconstitutional for the Board's standard of practice rule for medical abortion. The Board issued the following statement concerning the June 19 Iowa Supreme Court opinion: *"The Board is reviewing the recent Iowa Supreme Court opinion and has met on multiple occasions to discuss the case. The Board continues to have significant concerns about patient safety as the Board has a responsibility to ensure that all patients in Iowa receive the highest standard of medical care. The Board is reviewing its options at this time and intends to issue a formal response to the court's opinion in the future."*
- Also, the Board was notified that a recipient of a cease and desist letter earlier this year has withdrawn a request for judicial review of the letter. The Board recently rescinded the letter after the recipient obtained an appropriate license to conduct electroencephalograms and quantitative electroencephalograms and provide neurofeedback treatment to patients with attention deficit disorder, attention deficit hyperactivity disorder, learning disorders, sleep disorders, migraines and other health and mental health conditions.
- Approved a FY2016 budget of \$4,260,709. The expense plan is similar to the FY2015 budget of \$4,237,141. The FY2016 budget does not anticipate an increase in licensure fees, which fund the Board's operations. The licensure fees have not been increased since FY2007.
- Approved the FY2016 regulatory plan for possible rule-making by June 30, 2016. The plan is available on the Board's website: (https://medicalboard.iowa.gov/about_the_board/reg_plan2016.html). The plan identifies issues and topics to fulfill any requirements imposed by new laws, compliment changes

resulting from administrative and judicial decisions, and address public health issues; and update or rescind rules that are outdated.

- Appointed public member Diane Clark, Lake Mills, and Executive Director Mark Bowden as Iowa's commissioners for the Interstate Medical Licensure Compact Commission, which will be organized this fall. Governor Branstad on July 2 signed legislation allowing Iowa to join the compact, which will expedite licensure for highly qualified physicians. Iowa was the first state to introduce compact legislation and it became the seventh state to enact the law, which was effective July 1. Since January 1, compact legislation has been approved by legislatures and signed by governors in Alabama, Idaho, Iowa, Minnesota, Montana, Nevada, South Dakota, Utah, West Virginia, and Wyoming. The law in Alabama does not become effective until August 12 and the laws in Montana and Nevada do not become effective until October 1.

In addition, Hamed Tewfik, M.D., Board chair, appointed an ad hoc committee to work with the Iowa Board of Physician Assistants to write joint rules on supervision of physician assistants, as required by Senate File 510, which was signed into law by Governor Branstad on July 2. Members of the ad hoc committee are Dr. Tewfik, Allison Schoenfelder, M.D., Ronald Cheney, D.O., and Diane Clark.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on July 15, 2015. If you have questions about this summary or the Board's press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.